

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH GUARNERI,

Plaintiff,

Case # 14-CV-6054-FPG

v.

DECISION & ORDER

Willard Drug Treatment Campus Superintendent
RICKY A. BARTLETT; Senior Correctional Counsel
JOHN DOE; Deputy Superintendent of Program A.
PARSO; Captain HETRICK; ASAT Teacher Miss
JANE DOE; Deputy Superintendent of Administration
WILLIAM FENNESSY; Mental Health Counselor
Miss JOHNSON; Correction Officer EDWARD;
Correction Officer BLACKMAN; Correctional Officer
WEBSTER; Acting Nurse Administrator L. COURT;
action Nurse Administrator L. WENDELL; Doctor D.
WEINSTOCK; KRISTIN M. SALOTTI; Department
of Correction and Community Supervision Acting
Commissioner ANTHONY J. ANNOCCE; Five Point
Correctional Facility Superintendent MICHAEL
SHEAHAN; Assistant Deputy Superintendent of
Correction Mental Health T. MILLER; Acting Nurse
Administrator R. JANSEN, P.N.; Acting (SORC) S.
D'AMATO; Mental Health Unit Chief T.
DOMAGALSKI; Correctional Officer S. MOORE;
Sergeant P. BRINKCHOFF; Elmira Correctional
Facility and Reception Center Superintendent P.
CHAPPIUS; Assistant Deputy Superintendent
WHITAKER; Assistant Deputy Superintendent of
Program RHODES; New York State Division of
Parole Chairwoman ANDRA EVANS; Willard Drug
Treatment Campus Parole Officer Miss BOND; Parole
Officer ROBERT COONS; Administrative Law Judge
BRIGITTE FORTUNE; Area Supervisor ZEITLER;
CARFIELD; Albany County Public Defender
JEFFREY RICHARD,

Defendants.

Plaintiff Joseph Guarneri, formerly an inmate of the Five Points Correctional Facility, proceeding pro se, filed this action seeking relief under 42 U.S.C. § 1983, the Americans with Disabilities Act of 1990, 42 U.S.C.A. § 12131 *et seq.* and, Section 504 of the Rehabilitation Act. Plaintiff was granted permission to proceed *informa pauperis* and his Amended Complaint (ECF No. 10), alleging that the defendant employees of the State of New York violated his rights in several respects related to the conditions of his incarceration at Elmira and Five Points Correctional Facilities and the Willard Drug Treatment Campus, was reviewed pursuant to 28 U.S.C. § 1915(e)(2)(B). Following this review, on May 14, 2014, Plaintiff was directed to amend his Complaint prior to June 30, 2014 to address inadequacies with regard to some claims, or the Amended Complaint would be served on remaining Defendants L. Wendell, Correction Officer Edward, Correction Officer Blackman, Miss Johnson, T. Domagalski, T. Miller, A. Parso, Superintendent Michael Sheahan, and Sergeant P. Brinkchoff. ECF No. 11. However, that Order was not delivered to Plaintiff because the mailing was returned as undeliverable, apparently having been forwarded to 1517 Canada Hill Rd, Middleburgh, NY 12122 by personnel at Five Points Correctional Facility, which was the last address the Court had been provided by Plaintiff.

Information on the New York State Department of Corrections and Community Supervision website's Inmate Lookup indicates that Plaintiff was discharged from Five Points Correctional Facility on May 14, 2014, the date the Order was mailed, having reached his maximum expiration date. Thereafter, by Decision and Order issued on August 6, 2014, Plaintiff was directed to provide the Court with an address where papers may be served, by September 15, 2014, or the case will be dismissed with prejudice, and was further informed that service of the Amended Complaint as directed by the Court's Order of May 14, 2014 would not be done prior to the filing of Plaintiff's response. ECF No. 12.

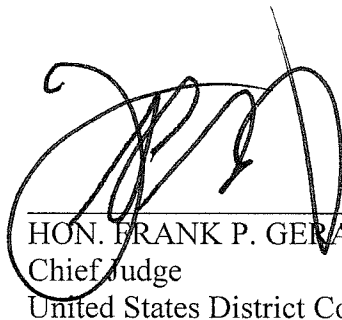
On August 25, 2014, the Court received further information from Plaintiff providing a current address for service. Based on this information, on November 25, 2014, the Clerk of the Court mailed to Plaintiff blank summonses and U.S. Marshal forms for Defendants L. Wendell, Correction Officer Edward, Correction Officer Blackman, Miss Johnson, T. Domagalski, T. Miller, A. Parso, Superintendent Michael Sheahan, and Sergeant P. Brinkchoff to be completed by Plaintiff and returned to the Clerk's office for issuance. On December 11, 2014, the mail containing the blank summonses and Marshal Forms for these Defendants were returned as undeliverable and with the reason as "Attempted – Not Known."

Once again, it appears that Plaintiff has failed to provide the Court with an address where papers may be served. Western District of New York Local Rule of Civil Procedure 5.2(d) requires that a party proceeding pro se "must furnish the Court with a current address at which papers may be served on the litigant. In addition, the Court must have a current address at all times. Thus a pro se litigant must notify the Court immediately in writing of any change of address. Failure to do so may result in dismissal of the case with prejudice."

Accordingly, Plaintiff is directed to provide the Court with an address where papers may be served, on or before May 26, 2015, or the Amended Complaint will be dismissed with prejudice.

IT IS SO ORDERED.

Dated: May 5, 2015
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court